

LICENSING AND SAFETY COMMITTEE

29 JANUARY 2019

LICENSING COMPLIANCE AND ENFORCEMENT ANNUAL REPORT

Report from: Perry Holmes - Chief Legal Officer

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Summary

The purpose of this report is to present to the Licensing and Safety Committee the annual report in respect of licensing compliance and enforcement and for Members to ask questions and make comments.

1. Budget and Policy Framework

- 1.1 The Council's statement of licensing policy in respect of its functions under the Licensing Act 2003 refers to the licensing objective of the prevention of crime and disorder and associated compliance and enforcement.
- 1.2 The Council also has in place policies in respect of Gambling, Taxi Licensing, Scrap Metal and Sexual Entertainment Venues.

2. Background

- 2.1 The Council's Licensing Team works closely in partnership with other responsible authorities and agencies to deliver the statutory requirements of the various pieces of legislation in respect of licensing matters.
- 2.2 As a responsible authority under the Licensing Act 2003, the Licensing Authority may comment on all applications for premises licences and where appropriate make representations. If these representations are unresolved, they will present their objections to a Licensing Hearing Panel.
- 2.3 The Council has established protocols on licensing compliance and enforcement issues. These provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated. All licence holders are expected to co-operate in order to promote the licensing objectives. Evidence of non-co-operation may

be considered sufficient grounds for review, suspension or revocation of any licence.

- 2.4 The licensing compliance and enforcement officers have been working well with other partners. In respect of Taxi Licensing, with joint operations taking place with our neighbouring counterparts at Tonbridge and Malling Council.
- 2.5 In respect of Gambling joint visits have taken place with the Gambling Commission.
- 2.6 Licensing officers also have a good working rapport and carry out joint visits with Trading Standards and the noise nuisance teams.
- 2.7 A copy of the Licensing Compliance and Enforcement Annual Report is attached at Appendix A for Members' consideration. This predominantly covers the period April 2017 to March 2018, although statistics for the first six months of 2018/2019 are also included to bring the report further up to date. In addition, at Members' request, statistics for 2016/17 are included for comparison purposes.

3. Risk Management

- 3.1 It is important that the Licensing and Safety Committee is kept fully informed of work being carried out in respect of all licensing matters.

4. Financial and legal implications

- 4.1 There are no direct financial implications arising from this report
- 4.2 The Council has produced effective policies in respect of licensing matters.

5. Recommendation

- 5.1 That the Committee note and comment on the Licensing Compliance and Enforcement Annual Report at Appendix A.

Lead officer contact

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Background papers

None

Appendices

Appendix A – Licensing Compliance and Enforcement Annual Report April 2017 to March 2018 and April 2018 to September 2018.



**Licensing Compliance and Enforcement
Annual Report**

April 2017 to March 2018

and April 2018 to September 2018

Structure of the Team

The current structure of the Team includes 1x Licensing Manager (shared post with Gravesham Borough Council), 1x Principal Licensing and Enforcement Officer, 2x Licensing Enforcement Officers (one currently vacant), 2 x Licensing Officers, 1x Licensing Assistant and 1x Licensing Apprentice.

Application for licence/consent

The Licensing Team deals with the application process and determination is made in line with the required legislation. This is followed by checks, visits and inspections to ensure that there is compliance with the relevant legislation and conditions relating to the licences, permits and notifications that are granted by the council.

The areas we are responsible for:-

- **Licensing** – People responsible for premises that hold any of the following activities are required to apply for the relevant licences under the Licensing Act 2003 - the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to a member of the club, the provision of regulated entertainment (plays, films, live music, recorded music, dancing, boxing and wrestling, indoor sporting events), the provision of late night refreshment (hot food or drink between 11pm and 5am). Applications are received for a Premises Licence, Club Premises Certificate or Temporary Event Notice and Personal Licence.
- **Taxis** – The council has a responsibility to licence vehicles, drivers and operators that provide a transport service (for up to eight passengers) for hire and reward. The relevant licences are: Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Vehicle, Private Hire Driver and Operators.
- **Gambling** - The Gambling Commission is responsible for granting operating and personal licences to commercial gambling operators and people working in the industry. It will also regulate certain lottery managers and promoters.

Medway Council as a licensing authority issues premises licences (this includes casinos, bingo halls, adult gaming centres, family entertainment centres, race tracks and betting shops), permits (licensed premises gaming machine permits, club permits, prize gaming permits, notification of two or less machines); and lotteries (small society lotteries, incidental non-commercial lotteries, private lotteries and customer lotteries).

- **Sexual Entertainment Venues** - Premises licensed as a Sexual Entertainment Venue include Sex Shops, Sex Cinemas and Sex Entertainment Venues.

- **Charity Collections** - A permit is required by anyone collecting money or selling articles for charitable purposes in a public place and it is an offence to hold a collection without one. There are two types of permits – for House to House Collections and Street Collection. House to House collections typically involve door to door collections of money, clothes or bric-a-brac etc. from homes. Street Collections involve the collection of money for the benefit of charitable purposes in a street or public place.
- **Street Trading** - Anyone selling or offering for sale any item in a street within Medway needs a street trading consent. A Street for these purposes includes any road, footway, beach or other area to which the public has access without payment, including highway service areas. Medway Council has designated two types of street - Prohibited Street, where no street trading is allowed, and Consent Street, where no street trading is allowed without consent.
- **Scrap Metal Dealers** – Site Licences and Collector Licences are required by people/business who wish to trade in scrap metal.

Compliance and Enforcement Statistics

Licensing Act 2003

Visits are regularly undertaken to licensed premises, either by way of a spot check, responding to a complaint received from a member of the public or as part of a joint operation with other responsible authorities and/or organisations, looking at specific types of premises, e.g. with the immigration team and/or food safety team to take-aways and restaurants.

Officers also work closely with the finance team in order to have the right information to hand when carrying out checks on payments of the premises licence annual fee. Visits are undertaken to explain to the licence holder that if they fails to pay the annual fee their licence must be suspended until such time as the payment has been made.

Taxis

Officers regularly inspect Medway Hackney Carriage and Private Hire Vehicles by visiting ranks, schools, supermarkets and licensed premises during the day and at night. The most common issues we find are damage to the vehicle – failing to notify us of an accident, not displaying door signs, not displaying the plates correctly and dirty vehicles.

Officers have built up good partnership working with the other local authorities on our boundaries, especially Tonbridge and Malling and have been carrying out joint inspections in Medway. Any drivers licensed by Tonbridge and Malling working illegally in Medway (e.g. plying their trade as a hackney, picking up when hailed on the street) are reported to Tonbridge and Malling who take the necessary actions in line with their policies and procedures. Where we are able to provide full details of where the car has been trading illegally, make, model, plate number, time and place,

drivers have been taken before their committee and either the licence suspended or revoked.

Gambling

The most common gambling offences are not having the correct permits for gaming machines, holding illegal lotteries mainly because of having rollovers, no controls on games such as bingo, poker and card games. These premises are highly regulated by the Gambling Commission, who are always on hand to provide advice or assist with joint visits to premises in Medway.

Sex Establishments

We only have two sex establishments in Medway a sex shop in Chatham and a sexual entertainment venue (SEV) in Rochester. No complaints have been received in respect of either of these establishments and both licences are renewed on an annual basis.

Charity Collectors

Officers have been informed of instances in the past where fraudsters have used the name, logo and charity registration number of a genuine charity to appeal for donations and keep the profits. We require a letter from the relevant charity confirming the applicant is collecting on their behalf and with their authority before we will accept any application.

To ensure that donations reach those most in need, we have compiled some tips to help members of the public determine if they are bogus or not. If a collection is for a registered charity, legally this must be stated on any document advertising the collection on behalf of the charity. Genuine leaflets will usually provide a charity registration number. Most door to door collections will leave their bags at least two days before they collect any donations, allowing time to check the Charity Commission's online register of charities.

Street Trading and Scrap Metal

The compliance and enforcement of these areas are covered by the Environmental Enforcement team on licensing's behalf. This currently benefits our customers as officers are out and about in Medway all day every day and able to carry out spot checks on a regular basis and respond to customer complaints more quickly.

Conclusion

A breakdown of the areas of licensing covered for Q1 and Q2 of 2018/19, 2017/18, and 2016/17 are set out below.

	Q1 & Q2 of 2018/19	2017/18	2016/17
Taxi Related	41.0%	56.3%	52%
Out of Towners	0.5%	0.6%	1%
Licensing Act	48.8%	36.2%	39%
Gambling Act	9.4%	6.8%	8%
SEV	0.3%	0.1%	0%

A breakdown of the percentage of time spent on all areas of licensing in respect of Compliance, Complaints and Enforcement is as follows: -

	Q1 & Q2 of 2018/19	2017/18	2016/17
Compliance	73%	73%	71%
Complaints	8%	9%	10%
Enforcement	19%	18%	19%

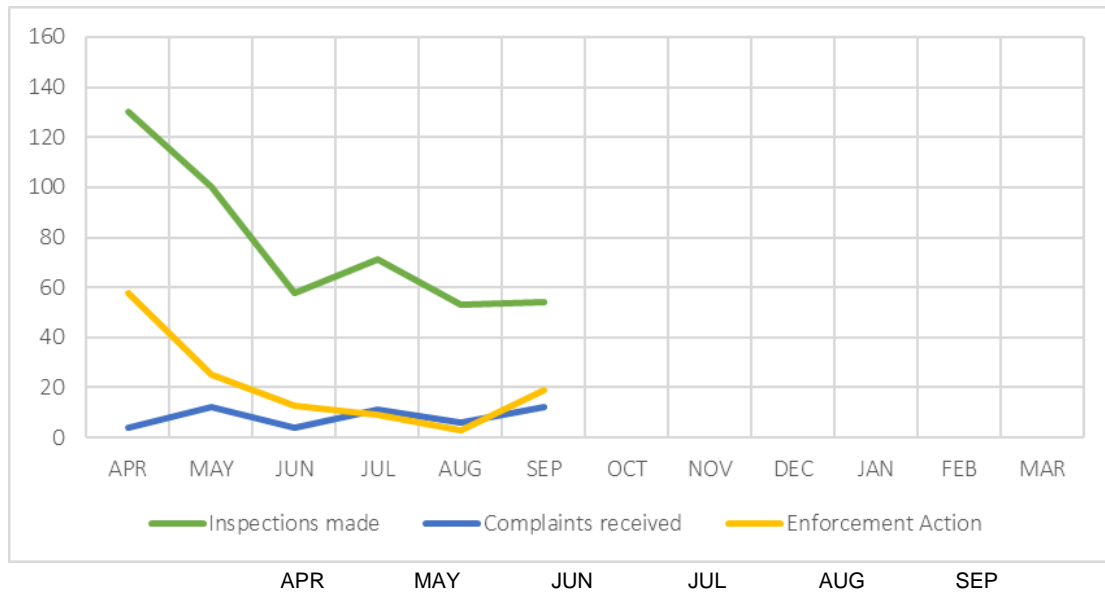
A breakdown of the monthly figures for the above can be found on the following pages of this report.

Every year is challenging for the licensing team as a whole due to the volume of applications, ongoing need to adapt to change, and need for meaningful ongoing compliance and enforcement work

Looking forward to 2018/19

2018/19 represents a year of change for the licensing team following change in management after the retirement of the previous Licensing and Local Land Charges Manager and the commencement of a shared management arrangement with Gravesham Borough Council. This will inevitably continue into 2019/20 whilst the shared service progresses.

The data below shows the compliance and enforcement outturn for Q1 and Q2 of 2018/19:



Compliance

	APR	MAY	JUN	JUL	AUG	SEP	Total
Taxi Vehicle Inspections	18	15	3	7	9	7	59
Taxi Speck Checks	21	14	12	16	12	17	92
Taxi Operator Inspections	0	0	0	0	0	0	0
Licensing Inspections	69	59	19	33	21	21	222
TENs Inspections	0	0	0	0	0	0	0
SEV Inspections	2	0	0	0	0	0	2
Gambling Inspections	15	10	13	1	9	8	56
Assorted Notice checks	5	2	11	14	2	1	35

Complaints

	APR	MAY	JUN	JUL	AUG	SEP	Total
Taxi Vehicle complaints	1	6	0	1	0	2	10
Taxi Driver complaints	1	3	4	6	1	3	18
Out of town complaints	0	0	0	0	0	3	3
Licensing complaints	1	3	0	4	5	4	17
SEV complaints	0	0	0	0	0	0	0
Gambling complaints	1	0	0	0	0	0	1

Enforcement

	APR	MAY	JUN	JUL	AUG	SEP	Total
Taxi related	33	10	12	8	3	4	70
Taxi simple cautions	0	0	0	0	0	0	0
Licensing related	25	15	1	1	0	15	57
Licensing Cautions	0	0	0	0	0	0	0
SEV related	0	0	0	0	0	0	0
Gambling related	0	0	0	0	0	0	0
Prosecutions	0	0	0	0	0	0	0